

MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

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CV-04-00001

December 6, 2005

11:00 a.m.

FILED  
Clerk  
District Court

**YU SUK CHUNG -vs- WORLD CORPORATION**

PRESENT:

Hon. David A. Wiseman, Designated Judge Presiding

Ellia Ciammaichella, Law Clerk

Sanae Shmull, Court Reporter

Michelle C. Macaranas, Court Deputy

Colin Thompson, Attorney for Plaintiff

Robert Torres, Attorney for Plaintiff

Matthew Gregory, Attorney for Defendants

David Lujan, Attorney for Defendants (telephonically)

Ignacio Aguigui, Attorney for Defendants (telephonically)

DEC - 6 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

PROCEEDINGS: JURY DELIBERATION DAY 4 / VERDICT

The following jurors were present: NEKAIFES, Marilyn; BORJA, Elias; ARRIOLA, Juan; PRATER, Margarita; ROGOLOFOI, Audrey; VILLEGAS, Diane; AGUON, Maria; OLAITIMAN, Mariana.

Jurors resumed deliberation at 9:00 a.m.

Jurors recessed at 10:15 a.m. and resumed at 10:30 a.m.

At 9:26 a.m. the Court received a note from the jury. At 11:06 a.m. court reconvened outside the presence of the jury. Attorney Colin Thompson and Robert Torres were present on behalf of Yu Suk Chung. Attorney Matthew Gregory was present on behalf of defendant World Corporation. Attorney Gregory requested that Attorney David Lujan appear telephonically. There being no objections, Court granted Attorney Gregory's request to appear telephonically. However, the Court was unable to reach him telephonically. Court resumed at 11:07 a.m. The Court informed counsels that the Court is in receipt of a note from the jury that some jurors are deadlock and some want to continue deliberating and whether simple majority ruled the decision and further guidance. After all arguments, the Court ordered the Bailiff to retrieve the original jury instructions from the jury deliberation room. Counsels reviewed the jury instructions. Attorney Torres conquered with jury instruction no. 63. Attorney Gregory objected. The Court ordered that a note be sent in to the jurors to refer

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to section 63 in the jury instructions packet. The Court wrote and gave the note to the bailiff to deliver to the jury. There being no response from the jury, Court recessed at 11:30 a.m. and ordered that the jury take their lunch and return after lunch. Attorney Gregory moved the court to schedule their motion for mistrial. Attorney Gregory further moved the court to shorten time. Court recessed at 11:35 a.m.

Jurors were escorted to lunch at 12:00 p.m. and returned at 1:10 p.m.

At 1:20 p.m. the Court received a note from the jury that they have reached a verdict. At 4:06 p.m. Court reconvened outside the presence of the jury. Attorney Colin Thompson and Robert Torres were present on behalf of plaintiff Yu Suk Chung. Attorney Matthew Gregory was present on behalf of defendant World Corporation. Attorney Gregory requested that Attorney Lujan and Aguigui appear telephonically to argue regarding the motion for mistrial. Court granted the request to appear telephonically to argue their motion only and not to receive the verdict. Attorney Lujan and Aguigui appeared telephonically to argue their motion briefly until after the verdict was received. Discussion was held regarding the note that was received. The jurors were called into the courtroom.

Court inquired of the foreperson if the jury had reached a verdict. The foreperson stated that they had reached a unanimous verdict.

The verdict was read and recorded as follows: *"In the United States District Court for the Northern Mariana Islands. Civil action number 04-0001 Yu Suk Chung, Plaintiff vs. World Corporation, a Commonwealth of the Northern Mariana Islands Corporation, Defendant. Verdict Forms. Verdict Form No. 1. Breach of Contract. We, the jury, unanimously answer the following question submitted to us as follows: Did Mr. Chung prove by a preponderance of the evidence all of the elements of his breach of contract claim against World Corporation? Yes. If your answer to the above questions is "no," proceed to Verdict Form No. 2. If your answer to the above question is "yes," then what is the amount of Mr. Chung's damages? \$136,665. Proceed to Verdict Form No.2. Certification. I, as foreperson, certify that the above decision represents the unanimous verdict of each and every juror in this cause. Dated 12/01/05. Signed by jury foreperson. Verdict Form No. 2. Fraudulent Misrepresentation. We, the jury unanimously answer the following question submitted to us as follows: Did the plaintiff prove by clear and convincing evidence all of the elements of his fraudulent misrepresentation claim against World Corporation? No answer. If your answer to the above question is "no," stop here. Do not go any further. Certification. I, as foreperson, certify that the above decision represents the unanimous verdict of each and every juror in this cause. Dated 12/06/05. Signed by jury foreperson."*

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Court inquired of the foreperson as to whether they were deadlocked on question 2. The foreperson stated that they were deadlock on issue 2.

The jurors were thanked for their services and discharged at 4:16 p.m. The jurors retired back into the jury deliberation room to complete a jury service survey.

The Court announced that after taking considerable consideration of alternatives available that the jurors could not reach a verdict with respect to the 2<sup>nd</sup> cause of action which involves misrepresentation. The Court declared a mistrial as to the 2<sup>nd</sup> cause of action. Attorney Lujan was contacted telephonically to participate in the rest of the hearing. Attorney Torres request for a status conference to set a new trial date on the 2<sup>nd</sup> cause of action. Court stated that Judge Munson will issue a scheduling order for a status conference and motion hearing date. Attorney Lujan informed the Court that they will re-file their motions.

Adjourned at 4:25 p.m.

A handwritten signature in black ink, appearing to read 'M. Macaranas', written in a cursive style.

Michelle C. Macaranas, Courtroom Deputy